

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>LIVE UNIVERSE, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>RENE MULJRES, ET.AL.,</p> <p>Defendants.</p>	<p>:</p> <p>:</p> <p>Civil Action No.: 2:22-cv-04918-ES-JBC</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p><u>MOTION TO WITHDRAW</u></p> <p><u>AS COUNSEL FOR PLAINTIFF</u></p> <p><u>SUPPORTING CERTIFICATION</u></p> <p>:</p> <p>:</p> <p>:</p>
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KEVIN J. DIMEDIO, ESQ. SUPPORTING CERTIFICATION
AS TO MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

Kevin J. DiMedio, Esq., sole practitioner and current counsel of record for the Plaintiff in the above-captioned case, files this Motion to Withdraw as Counsel (“Motion”), requesting permission to now withdraw as counsel and representation of Plaintiff, for the reasons set forth below as follows:

1. Plaintiff contacted me and sought my limited representation in July of 2023, as other prior counsels for Plaintiff withdrew from this case.
2. Plaintiff advised me that it had retained other counsel as well, and that counsel would then become attorney of record, which Plaintiff never sought nor counsel ever did.
3. The issues for my limited representation then were to oppose the then pending Defendants motions to dismiss, and also seek a motion to amend the complaint, all of which were efiled last year, in September and October of 2023; and then said motions

were addressed recently by the Court on September 25, 2024 (See Docket No. 82, Text Order set forth herein).

4. During this timeframe, I provided the referenced services, as well as other services, to the Plaintiff that were all reviewed and approved by the Plaintiff; however Plaintiff has not made any payments to Invoices issued since October of last year 2023.
5. I issued Invoices and Statements every month and requested payment from the Plaintiff as to the growing past due balances over the last eleven (11) months, however Plaintiff has not paid, and advised no payment will be made.
6. Based upon same, and as a sole practitioner, Plaintiffs failure to pay pursuant to the terms and conditions of the engagement agreement permits termination of the client account, and has also financially burdened and impacted me, as a sole practitioner, thus withdrawal as to this matter is appropriate and pertinent.
7. No other attorney appears to willing to substitute at this time, despite the Plaintiff advising the undersigned that they would have done so earlier on, as set forth above.
8. Based upon the N.J.R.P.C. 1.16(b), et al. and Local Civil Rules, an attorney may withdraw for several reasons to include where: there is no material adverse effects on the client; the client fails to fulfill obligation to the attorney regarding services and has been so noticed; and ongoing and further representation is causing unreasonable financial burden.
9. Further, this case is still within early stages as discovery has not been done and there is a case management conference set for October 10, 2024; thus, the reasons for withdrawal set forth will have no prejudice to other litigants nor court administration, nor delay of the case.

10. This motion is not sought for the purpose of any delay and will not result in any delay, and Plaintiff can obtain counsel for substitution directly.

11. Again, based upon the foregoing, to include the clear financial burden and Plaintiffs failure to pay, this withdrawal of counsel motion as to the Plaintiff can be granted.

WHEREFORE, Movant respectfully request that the Court enter an Order allowing Movant to withdraw from the matter and for such other and further relief to which Movant is justly entitled.

Respectfully submitted,

DiMEDIO LAW

Date: September 30, 2024

By: /s/ Kevin J. DiMedio
KEVIN J. DIMEDIO, ESQ.
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CERTIFICATE OF SERVICE

I, Kevin J. DiMedio, Esq, hereby certify that the foregoing Notice of Withdrawal Certification has been emailed to the Court as well as all parties and served on the Plaintiff representative and to all counsel of record for all parties via ECF.

Respectfully submitted,

DiMEDIO LAW

Date: September 30, 2024

By: /s/ Kevin J. DiMedio
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